

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ, ERIN WALKER
and WILLIAM SMITH, as individuals and
on behalf of all others similarly situated,

Plaintiffs,

No. C 07-05923 WHA

v.

WELLS FARGO BANK, N.A.,

**ORDER RE PROPOSED
CLASS NOTICE**

Defendant.

The parties' proposed reminder postcard is **APPROVED**, but please include
"Case No. 07-5923 WHA (N.D. Cal.)" after the case title in the body of the postcard.

The parties' proposed class notice is **APPROVED**, except for the following modifications.
Page 1, lines 21 to 28, to page 2, lines 1 to 6, are hereby modified as follows:

Class Counsel seeks **\$50 million in attorney's fees** (specifically, \$50,748,508.86), which is twenty-five percent of the \$203 million judgment recovered for the Class, and **\$558,378.92 in costs**. To the extent that Class Counsel are awarded any fees, that award will reduce class members' refund payments proportionately on a *pro rata* basis. For example, if all \$51 million sought is awarded (and Wells Fargo is not required to pay any fees or expenses on top of the judgment), then the average class member payment will be reduced from approximately \$178 to approximately \$135.

Please note, however, that the amount of each class member's payment will depend on the amount of additional overdraft fees assessed during the class period.

This notice further notes that Class Counsel have sought \$4,904,213.85 in fees directly from Wells Fargo to be paid on top of the judgment. If that sum is awarded, it would reduce each class member's *pro rata* share for fees. For example,

1 if \$50 million in fees is awarded and Class Counsel are found to
2 be entitled to \$4 million on top of the judgment, then class
3 members would be responsible for their *pro rata* share of the
\$46 million in fees.

4 Page 2, lines 13 to 19, are hereby modified as follows:

5 You have the right to object to and comment on Class Counsel's
6 request for attorney's fees and expenses and Class
7 Representatives' request for service awards, if you are a class
member. To be considered, all objections and comments must be
made in writing, mailed (with required postage) to
[Class Administrator's Address], **postmarked by April 20, 2015.**


8 That submission must contain the following information:

- 9 1. The case name and number, namely, *Gutierrez v.*
10 *Wells Fargo Bank, N.A.*, Case No. 07-5923 WHA
(N.D. Cal.);
- 11 2. Your full name, address, telephone number, and
12 email address;
- 13 3. All of the grounds for your objection or comment;
- 14 4. The name of your counsel, if you are represented by
counsel in this matter (at your own expense); and
- 15 5. Your signature.

16 Page 3, lines 3 to 4, are hereby modified from "DO NOT CONTACT THE COURT OR
17 WELLS FARGO CUSTOMER SERVICE" to "Please direct all questions about this notice to
18 Class Counsel."

19
20 **IT IS SO ORDERED.**

21
22 Dated: February 19, 2015.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE